

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7595 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Nos.1 to 5 - No.

VISHNUKUMAR H SHUKLA

Versus

STATE OF GUJARAT

Appearance:

MR JOY MATHEW for Petitioner
GOVERNMENT PLEADER for Respondent No. 1
SERVED for Respondent No. 2, 4

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 25/04/97

ORAL JUDGEMENT

Leave to add Director of Higher Education as
party respondent No.5

Rule returnable today.

Learned AGP Miss Gajjar waives service of rule on behalf of respondent No.5.

Petitioner is a son of one Hardwar Shukla, a former teacher serving under the respondent No.4 School. Said Hardwar Shukla expired on 22nd October, 1994 while he was serving under the respondent No.4. In view of the Government Resolution dated 4th July, 1988, issued with regard to giving appointment to the dependents of teaching and non-teaching employees of non-Government/Middle/Higher Middle school on compassionate grounds, the petitioner herein being a son of said Hardwar Shukla made an application for compassionate employment in the respondent No.4 school. I am told by learned Advocate Mr.Mathew appearing for the petitioner that the petitioner's application for compassionate employment has been forwarded by the District Education Officer to Director of Higher Education who is the competent authority to make appropriate order and the matter is pending before the Director of Higher Education for consideration and appropriate order. In the circumstances, it would be just and expedient to direct the respondent No.5 to consider the petitioner's application expeditiously and make appropriate order in accordance with law.

Petition is, therefore, allowed.

Respondent No.5 is directed to consider the application made by the petitioner for compassionate employment in accordance with law as expeditiously as possible, but not beyond six months from the date of the receipt of copy of this order. The decision taken by the Director of Higher Education shall be communicated to the petitioner forthwith. In the event, the petitioner's application for compassionate employment is rejected, petitioner shall have liberty to file fresh petition.

Rule is made absolute to the aforesaid extent.
There shall be no order as to costs.
